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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,827	02/27/2002	Eric C. Veine	LEAR 0844 PUS	6199

34007 7590 11/19/2003

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EXAMINER

BURNHAM, SARAH C

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,827

Applicant(s)

VEINE ET AL.

Examiner

Sarah C. Burnham

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information referred to in the information disclosure statements filed on May 19, 2003 has been considered as to the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Suman (4,778,218). Suman discloses a headrest (10) for mounting to the back (unlabeled) of a seat (12) comprising: a base portion (20); an occupant-engaging contact portion (34) supported for relative translational movement on the base portion (20); an articulated spread-lever arrangement (40)(50) linking the base portion (20) to the contact portion (34) and operative to displace the contact portion (34) away from the base portion (20) upon relative rotation of a first link (48) relative to a second link (43) of the arrangement; and a tension spring (70) extending between the contact

portion (34) and the base portion (20) as best seen in Figure 3, whereby rotation of the first link (48) relative to the second link (43) causes translation of the contact portion (34) relative to the base portion (20). With respect to claims 2 and 3, the integral end surfaces of the base portion (unlabeled), as best seen in Figure 2, serve as a track in which the contact portion (34) slides. With respect to claim 5, an actuator (62)(64)(65) in the form of a hand bulb imparts rotation of the first link (48) with respect to the second link (43) whereby the contact portion (34) is controllably translated relative to the base portion (20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 6, 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suman (4,778,218) in view of Malsch et al. (US 2002/0074843 A1). As disclosed above, Suman reveals all claimed elements with the exception of an actuator in the form of a Bowden cable and a spread lever arrangement with an over center condition.

Malsch discloses a headrest (7) having a spread-lever arrangement (17) that has an over center self locking characteristic in that "the spreading-lever arrangement is stretched until it reaches the position beyond the dead center, which is illustrated by dashed lines in Figure 1. In this position, the lever arrangement acts in a self locking

manner" (paragraph [0052], line 13 – paragraph [0053], line 2). Furthermore, Malsch further teaches the use of an actuator in the form of a Bowden cable (115) that imparts rotation on the spread lever arrangement. Figure 2 best depicts how the Bowden cable (115) has one end (unlabeled) secured to a back rest frame member (117) and a second end secured to the spreading lever mechanism which is not depicted in Figure 2 (see paragraph [0058] lines, 1-5).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the over center condition taught by Malsch with the spread lever arrangement (40)(50) disclosed by Suman. Such an addition would ensure that excessive force placed on the headrest by a seat occupant would not put excessive strain on the bladder, thereby improving the durability of the device. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention to replace the hand bulb disclosed by Suman with the Bowden cable system taught by Malsch. Such a substitution would enable the translation of the headrest to be initiated by a motor instead of by hand.

Allowable Subject Matter

6. Claim 13 is allowed.
7. Claims 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments / Amendment

8. The amendment filed on May 19, 2003 has been considered in its entirety. Remaining issues are detailed in the above sections. The arguments are moot in view of the new grounds of rejection set forth above.


Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.

SCB
November 13, 2003


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600